

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:19-CR-03048-1-BCW
)	Case No. 6:19-CR-03048-2-BCW
)	
BONTIEA BERNEDETTE GOSS, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Magistrate Judge Rush’s Report and Recommendation (Doc. #194) denying Defendants’ joint motion to dismiss fraud counts for failure to state an offense (Doc. #101). On June 7, 2022, Defendants filed objections to the Report and Recommendation (Doc. #203) and on June 21, 2022, the Government filed a response (Doc. #210).

In Defendants’ underlying motion, Defendants seek to dismiss portions of count 1, as well as counts 17, 21, 23-27, and 29-30, arguing the indictment lacks factual allegations that, if proven, would sustain a conviction for the charged offenses of honest-services fraud and wire fraud. Specifically, Defendants assert that honest-services fraud and wire fraud counts both require “a scheme to defraud,” consisting of either affirmative misrepresentation or active (or passive) concealment, but that the challenged counts do not allege any misrepresentation or concealment. On February 8, 2022, Judge Rush heard oral argument on Defendants’ motion and on May 24, 2022, issued the Report and Recommendation recommending a denial of the motion to dismiss. After an independent review of the record, the applicable law, and the parties’ arguments, the Court adopts Magistrate Judge Rush’s findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #194) Defendants' joint motion to dismiss fraud counts for failure to state an offense (Doc. #101) is DENIED. It is further

ORDERED that Magistrate Judge Rush's Report and Recommendation be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: September 8, 2022

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT